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8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **CENTRAL DISTRICT OF CALIFORNIA**

11  
 12 A.H. and H.H., in each case a minor, by  
 and through their guardian ad litem  
 13 Crystal Hanson, individually and as  
 successor in interest to Shane Holland,  
 14 deceased; C.H., a minor, by and through  
 her guardian ad litem, Reymi Updike;  
 15 individually and as successor in interest  
 to Shane Holland, deceased, and  
 16 PATRICIA HOLLAND, individually,

17 Plaintiffs,

18 v.

19 COUNTY OF SAN BERNARDINO;  
 JUSTIN LOPEZ, and DOES 1-10,  
 20 Inclusive,

21 Defendants.

Case No. 5:23-CV-01028 JGB-SHK

*[Honorable Sunshine Jesus G. Bernal,  
 Magistrate Judge, Shashi H.  
 Kewalramani]*

**STATEMENT OF  
 UNCONTROVERTED FACTS IN  
 SUPPORT OF DEFENDANTS'  
 MOTION FOR SUMMARY  
 JUDGMENT**

***Filed concurrently with:***

1. *Notice of Motion and Motion;*
2. *Declaration of Kayleigh Andersen;*
3. *Declaration of Sergeant Anthony*
4. *Scalise; and*
5. *[Proposed] Order*

Date: September 9, 2024

Time: 9:00 a.m.

Crtrm.: Courtroom 1

Action Filed: 06/02/2023

**TO THIS HONORABLE COURT AND THE PARTIES AND THEIR  
RESPECTIVE COUNSEL OF RECORD:**

In accordance with C.D L.R. 56-1 and this Court's Standing Order, defendants County of San Bernardino ("County") and Deputy Justin Lopez ("Deputy Lopez") (collectively "Defendants") submit this Statement of Uncontroverted Facts and Genuine Disputed in support of their Motion for Summary Judgment.

**STATEMENT OF UNCONTROVERTED FACTS**

| Uncontroverted Facts   | Supporting Evidence   |
|--|---|
| 1. On June 21, 2022, at approximately 2 a.m., San Bernardino County Sheriff's Department Deputy Justin Lopez (Deputy Lopez) conducted a traffic stop on a silver Ford Explorer in the area of US Route 395 and Cactus Road, in Adelanto. | Lopez Depo. (Ex. "A") at 8:22-24, 18:1-5, 13-16; Hillebrand Depo. (Ex. "B") at 10:19-22, 13:2-5; Hanson Interview Audio (Ex. "C") at 9:40-10:00; Hanson Interview Transcript (Ex. "D") at 8:12-14; Rios Depo. (Ex. "G") at 12:2-14.                             |
| 2. Deputy Lopez broadcasted the Explorer did not have license plates, but later stated that the vehicle had an obstructed rear license plate.  | Lopez Depo. (Ex. "A") at 17:5-19, 20:5-15; Lopez Audio (Ex. "E") at 0:00-0:15; Lopez Audio Transcript (Ex. "F") at 2:1-9.   |
| 3. Deputy Lopez made contact with the driver, Robert Hanson ("Hanson"), and the passenger who identified himself as Andrew Atkins, later identified by investigators as Shane Holland ("Holland").                                       | Lopez Depo. (Ex. "A") at 21:2-19, 23-24, 23:14-16, 68:19-22, 69:1-3; Lopez Audio (Ex. "E") at 1:15-1:58; Lopez Audio Transcript (Ex. "F") at 3:12-4:7; Hanson Interview Audio (Ex. "C") at 10:27-11:25; Hanson Interview Transcript (Ex. "D") at 8:18-24, 19:3. |
| 4. Deputy Lopez asked Hanson if he had his license and registration, which Hanson stated he did not.   | Lopez Depo. (Ex. "A") at 22:11-15; Lopez Audio (Ex. "E") at 0:15-0:50, 1:57-2:05; Lopez Audio Transcript (Ex. "F") at 2:10-23, 4:9-12; Hanson Interview Audio (Ex. "C") at 10:00-10:27; Hanson Interview Transcript (Ex. "D") at 8:12-17.                       |

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| 1  | 5. Deputy Lopez also asked if either     | Lopez Audio (Ex. "E") at 0:15-0:50;      |
| 2  | Hanson or Holland was on probation       | Lopez Audio Transcript (Ex. "F") at      |
| 3  | or parole, Hanson stated no.             | 2:14-19.                                 |
| 4  | 6. Holland also told Deputy Lopez that   | Lopez Depo. (Ex. "A") at 22:16-17;       |
| 5  | he did not have an ID.                   | Lopez Audio (Ex. "E") at 1:05-1:18;      |
| 6  |  | Lopez Audio Transcript (Ex. "F") at      |
| 7  | 7. Deputy Lopez advised the subjects he  | 3:9-13.                                  |
| 8  | would return to his patrol vehicle to    | Lopez Depo. (Ex. "A") at 26:1-7,         |
| 9  | conduct a records check and did so       | 27:14-22; Lopez Audio (Ex. "E") at       |
| 10 | over the radio through dispatch.         | 2:00-3:30; Lopez Audio Transcript        |
| 11 |  | (Ex. "F") at 4:16-24; Hanson Interview   |
| 12 | 8. When Deputy Lopez was at his patrol   | Audio (Ex. "C") at 11:00-11:20;          |
| 13 | vehicle, Hanson asked Holland "what      | Hanson Interview Transcript (Ex. "D")    |
| 14 | are you doing," regarding giving         | at 9:1-2.                                |
| 15 | Deputy Lopez somebody else's             |  |
| 16 | name.                                    | 8. When Deputy Lopez was at his patrol   |
| 17 | 9. Holland told Hanson that he had a     | vehicle, Hanson asked Holland "what      |
| 18 | warrant for his arrest and he was        | are you doing," regarding giving         |
| 19 | going to be incarcerated for a long      | Deputy Lopez somebody else's             |
| 20 | time.                                    | name.                                    |
| 21 | 10. Holland asked Hanson to "take off"   | 9. Holland told Hanson that he had a     |
| 22 | from the traffic stop to distract        | warrant for his arrest and he was        |
| 23 | Deputy Lopez and allow Holland to        | going to be incarcerated for a long      |
| 24 | flee.                                    | time.                                    |
| 25 | 11. Hanson refused to assist Holland and | 10. Holland asked Hanson to "take off"   |
| 26 | said he was not going to get into        | from the traffic stop to distract        |
| 27 | trouble for Holland.                     | Deputy Lopez and allow Holland to        |
| 28 |  | flee.                                    |
|    | 12. Holland chose to run from the        | 11. Hanson refused to assist Holland and |
|    | passenger side of the vehicle into the   | said he was not going to get into        |
|    | desert.                                  | trouble for Holland.                     |
|    | 13. Deputy Lopez saw Holland get out of  | 12. Holland chose to run from the        |
|    | the vehicle and told him to get back     | passenger side of the vehicle into the   |
|    | in the vehicle, but Holland started      | desert.                                  |
|    |  | 13. Deputy Lopez saw Holland get out of  |
|    |  | the vehicle and told him to get back     |
|    |  | in the vehicle, but Holland started      |

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| 1  | fleeing from the traffic stop.           | Lopez Audio Transcript (Ex. "F") at 4:25. |
| 2  |  |   |
| 3  | 14. Deputy Lopez notified dispatch of    | Lopez Depo. (Ex. "A") at 66:15-17;        |
| 4  | the foot pursuit on the radio.           | Lopez Audio (Ex. "E") at 3:30-3:40;       |
| 5  |  | Lopez Audio Transcript (Ex. "F") at       |
| 6  |  | 5:1; Hillebrand Depo. (Ex. "B") at        |
| 7  | 15. Deputy Lopez began running after     | 13:6-10; Rios Depo. (Ex. "G") at          |
| 8  | Holland, and told Holland to get on      | 13:14-23, 15:7-14.                        |
| 9  | the ground.                              |   |
| 10 | 16. Deputy Lopez believed that Holland   | Lopez Depo. (Ex. "A") at 31:9-10;         |
| 11 | had something in his waistband, so       | Lopez Audio (Ex. "E") at 3:30-3:45;       |
| 12 | he commanded Holland multiple            | Lopez Audio Transcript (Ex. "F") at       |
| 13 | times to "Let me see your hands."        | 5:3.                                      |
| 14 | 17. In response, Holland said "I will    | Lopez Depo. (Ex. "A") at 31:22-32:1,      |
| 15 | shoot you" multiple times.               | 33:22-34:1; Lopez Audio (Ex. "E") at      |
| 16 |  | 3:30-4:50; ; Lopez Audio Transcript       |
| 17 | 18. Deputy Lopez told Holland to show    | (Ex. "F") at 5:15-16.                     |
| 18 | him his hands a total of 19 times        |   |
| 19 | within a period of one minute and        | Lopez Depo. (Ex. "A") at 42:6-13;         |
| 20 | nineteen seconds.                        | Lopez Audio (Ex. "E") at 3:30-4:50; ;     |
| 21 | 19. Holland told Deputy Lopez that he    | Lopez Audio Transcript (Ex. "F") at       |
| 22 | was going to shoot him a total of 10     | 5:4-6:11.                                 |
| 23 | times during that same period.           |   |
| 24 | 20. Immediately after Holland stated, "I | Lopez Depo. (Ex. "A") at 16:19-21,        |
| 25 | will shoot you" the tenth time,          | 34:2-5, 40:23-41:1; Lopez Audio (Ex.      |
| 26 | Deputy Lopez fired his weapon six        | "E") at 3:30-4:50; ; Lopez Audio          |
| 27 | times in quick succession at Holland.    | Transcript (Ex. "F") at 5:4-6:11.         |
| 28 | 21. After the shooting, Deputy Lopez     |   |
|    | immediately put out "shots fired"        | Lopez Depo. (Ex. "A") at 12:25-13:1;      |
|    | over the radio and requested medical.    | Lopez Audio (Ex. "E") at 4:50-4:57;       |
|    |  | Lopez Audio Transcript (Ex. "F") at       |
|    |  | 6:11-13.                                  |
|    |  |   |
|    |  | Lopez Audio (Ex. "E") at 4:50-5:55;       |
|    |  | Lopez Audio Transcript (Ex. "F") at       |
|    |  | 5:4-6:22; Hillebrand Depo. (Ex. "B")      |
|    |  | at 15:15-21; Rios Depo. (Ex. "G") at      |
|    |  | 15:18-21, 25:15-18.                       |

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| 1  | 22. Deputy Kristopher Hillebrand        | Hillebrand Depo. (Ex. "B") at 15:11-    |
| 2  | ("Deputy Hillebrand") and Sergeant      | 14, 22-25; Rios Depo. (Ex. "G") at      |
| 3  | Mark Rios ("Sergeant Rios") heard       | 15:15-24, 17:23-18:1.                   |
| 4  | the broadcast of the foot pursuit, and  |   |
| 5  | "shots fired" and arrived within        |   |
| 6  | approximately one minute of the         |   |
| 7  | shots fired broadcast.                  |   |
| 8  | 23. When Deputy Hillebrand arrived he   | Lopez Depo. (Ex. "A") at 15:25-16:11,   |
| 9  | asked Deputy Lopez where is the         | 15-21, 25, 17:1-2, 63:4-17; Lopez       |
| 10 | gun, and Deputy Lopez replied "I        | Audio (Ex. "E") at 6:10-6:20; Lopez     |
| 11 | don't know. He said he was going to     | Audio Transcript (Ex. "F") at 6:25-7:4; |
| 12 | shoot me."                              | Hillebrand Depo. (Ex. "B") at 23:8-18,  |
| 13 |   | 24:13-19, 25:1-8.                       |
| 14 | 24. Deputy Lopez handcuffed Holland     | Lopez Depo. (Ex. "A") at 60:3-11,       |
| 15 | and then proceeded to pat down          | 61:1-11; Hillebrand Depo. (Ex. "B") at  |
| 16 | Holland to search him for weapons       | 25:20-25, 27:23-28:5.                   |
| 17 | and check for injuries.                 |   |
| 18 | 25. After Holland was handcuffed and    | Hillebrand Depo. (Ex. "B") at 26:1-4.   |
| 19 | searched, Deputy Hillebrand called      |   |
| 20 | over the radio to notify medical it     |   |
| 21 | was clear for them to proceed into the  |   |
| 22 | scene.                                  |   |
| 23 | 26. When Sergeant Rios arrived, Deputy  | Lopez Depo. (Ex. "A") at 60:10-11;      |
| 24 | Lopez asked him to retrieve a           | Lopez Audio (Ex. "E") at 6:25-7:05;     |
| 25 | medical aid trauma kit from his         | Lopez Audio Transcript (Ex. "F") at     |
| 26 | marked patrol vehicle and Sergeant      | 7:6-13; Hillebrand Depo. (Ex. "B") at   |
| 27 | Rios immediately began to               | 29:6-13; Rios Depo. (Ex. "G") at        |
| 28 | administer medical aid to Holland       | 21:13-19, 23:23-24:3, 25:3-10.          |
|    | and requested additional medical        |   |
|    | assistance.                             |   |
|    | 27. American Medical Response           | Hillebrand Depo. (Ex. "B") at 26:14-    |
|    | paramedics arrived within               | 21, 28:17-29:5; Rios Depo. (Ex. "G")    |
|    | approximately five minutes and          | at 25:11-14, 19-22.                     |
|    | pronounced Holland deceased.            |   |
|    | 28. Deputy Lopez did not identify a gun | Lopez Depo. (Ex. "A") at 14:9-20,       |
|    | in Holland's hand prior to the          | 53:24-54:4; Rios Depo. (Ex. "G") at     |
|    | shooting and no gun was collected       | 20:15-24, 21:1.                         |

|    |                                       |                                      |
|----|---------------------------------------|--------------------------------------|
| 1  | from Holland after the incident       |                                      |
| 2  | 29.However, based on Holland’s        | Lopez Depo. (Ex. “A”) at 16:15-21,   |
| 3  | statement “I will shoot you,” and a   | 39:9-15, 41:22-42:2, 44:10-45:2,     |
| 4  | black object that was in Holland’s    | 48:15-18, 51:6-11, 16-18, 52:12-20,  |
| 5  | right hand at waist level, Deputy     | 55:3-11, 57:14-22.                   |
| 6  | Lopez reasonably believed that        |                                      |
| 7  | Holland was in possession of a gun.   |                                      |
| 8  | 30.Additionally, Deputy Lopez engaged | Lopez Depo. (Ex. “A”) at 38:21-39:2, |
| 9  | in a foot pursuit because he          | 51:6-11, 16-25, 52:1-20, 67:13-25,   |
| 10 | reasonably believed that Holland was  | 68:1-5.                              |
| 11 | an immediate danger to him as there   |                                      |
| 12 | was no cover because they were in     |                                      |
| 13 | the middle of the dessert and to the  |                                      |
| 14 | public because Holland was running    |                                      |
| 15 | towards a residential neighborhood.   |                                      |
| 16 | 31.Lastly, Deputy Lopez did not draw  | Lopez Depo. (Ex. “A”) at 28:16-21,   |
| 17 | his weapon until after Holland yelled | 37:20-28:2, 7-9, 39:9-15, 42:9-13,   |
| 18 | “I will shoot you” and reasonably     | 48:15-18.                            |
| 19 | believed that Holland had a gun       |                                      |
| 20 | based upon the way Holland was        |                                      |
| 21 | holding his waistband.                |                                      |

DATED: August 9, 2024

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